

DUNKARD CREEK-19OctY2K11

----- Original Message -----

From: DSGJr@aol.com

To: Sent: Tuesday, October 18, 2011 5:08 PM

Subject: Re: REMINDER: Call Thurs, Oct 20 at 2:30

Just so everyone knows, all of the amendments that have been adopted or are still pending to the base bill the Select Committee is working on have been posted online. There is a direct link on the Legislature's homepage at:
<http://www.legis.state.wv.us/>

don garvin

DOMINION POST Wednesday 19 October 2011:

2 more wells sought for Mon County

Sites planned between Halleck, Goshen roads

BY DAVID BEARD
The Dominion Post

MORGANTOWN CITY COUNCIL

will discuss fracking ban next week.

Page 1-B

Chesapeake Appalachia has applied to drill two more horizontal Marcellus shale gas wells in Monongalia County.

Maps accompanying the applications show they would be in the vicinity of four Chesapeake wells already permitted — east of Interstate 79 between Goshen and Halleck roads.

The wells are not yet permitted. The state Department of Environmental Protection (DEP) provided copies of the applications to The Dominion Post.

If approved, they would bring the total number of permitted Marcellus wells in Mon County to 15. There are now 12 horizontal wells and one conventional vertical Marcellus well permitted, according to DEP records.

Chesapeake has applied to drill the Leslie Keaton Mon 3H well and the Promised Land Mon 8H well.

The map shows the Keaton well would sit south of Goshen Road, between Owl Creek and 4-H Camp roads. Chesapeake is leasing the minerals from five parties, including the surface owners for whom the proposed well pad is named, and Reliance Minerals, incorporated and run by Morgantown coal company executive James Laurita.

Chesapeake did not respond to requests for location details and other comments.

The well's projected target depth is 7,400 feet; it would extend horizontally about 6,900 feet.

Chesapeake's four permitted wells — Reliance Minerals 3H, 6H, 8H and 10H — sit roughly south of the Keaton site, between Clinton Furnace Road and Clinton Furnace.

Promised Land is proposed to sit west of the Reliance wells, near Carrol and Carrol Sawmill roads.

Chesapeake is leasing the Promised Land minerals from seven parties, including Reliance minerals; Tygart Resources, a mining support firm with out-of-state owners and officers; and the surface owner couple who run real estate rental and leasing businesses. One of their businesses, Promised Land Inc., ceased operation in 2009, according to secretary of state records.

The proposed target depth is 7,480 feet; it would extend horizontally about 7,000 feet.

Keaton and Promised Land would both use freshwater impoundments associated with the Reliance wells.

Permitting can take days to weeks or even months once an application is received. DEP received the Promised Land application Sept. 13, and the Keaton application Sept. 19.

EDITORIAL

Public comment was not a wrap

State DEP needs to put this experiment in its tape recorder and listen to it

The public paid a call on the state Department of Environmental Protection (DEP) on Monday. The DEP’s representative said the session was just an experiment — an informal conference, not a public hearing. So, who were the 25 audience members to argue? They were the public, that’s who. And judging from their reaction, the DEP might want to think long and hard about experimenting on the public in Monongalia County again. Whether or not the meeting was an informal conference or a public hearing was really never in dispute. It was just the protocol the DEP used for conducting this meeting. Instead of letting members of the crowd address their peers and the DEP’s experts on a permit to renew and expand a coal ash refuse facility, they were ushered to an isolated table to address a recorder while videotaped. Though the DEP’s Division of Mining Reclamation permitting supervisor was on the other side of the table, the public was effectively prevented from hearing the “public” comments. For the more intrepid members of the crowd, who wished to address the crowd and the DEP, their remarks went unheard by all except the recorder and the lone official. The DEP said the meeting’s format was experimental. The idea was to not let members of the public address each other and to provide an outlet for shy members of the crowd. Instead, members of the crowd just raised its voice. For now, we’ll just call it a failed experiment. Perhaps this format has merit in taking testimony in judicial matters. But as it applies to any kind of public comment, it’s contrary to the notion of transparency that’s the cornerstone of our government. We realize that public forums are often marked by one or more speakers who may try to dominate the proceedings. And occasionally some comments are mere rants rather than reasoned pros and cons. But that’s open government — democracy. It’s more often than not messy ... and noisy. The issues before this “informal conference” were environmentally sensitive and could potentially have a major impact on residents, nearby property owners and others. We are not going to take sides on this permit — for now — to double the size of this refuse dump near tributaries of the Monongahela River. However, the DEP has another thing coming if it thinks it can mute public opinion or quietly channel it into its recorders at a public session. Though a measure of decorum and control to allow everyone to say their piece is vital at such meetings, public sessions cannot be reduced to virtual voice mail. The state DEP is a public agency, and it still answers directly to the public.

UPDATE

Marcellus operation near city passes EPA testing

Initial air tests done at Skyview Elementary approved by agency

BY DAVID BEARD
The Dominion Post

Northeast Natural Energy’s Morgantown Marcellus operation got a clean bill of health in initial air tests performed by the Environmental Protection Agency (EPA).

EPA Region 3 spokesman Roy Seneca shared the test results with The Dominion Post on Tuesday afternoon.

The EPA performed three sets of air quality tests at Skyview Elementary, Seneca said — two before and one during fracking.

The pre-fracking tests were performed Aug. 11 and 12 and Sept. 19 and 20 to obtain baseline data for comparison, he said. Those tests “did not show any levels of concern.”

The EPA returned during fracking and performed “realtime testing” on Oct. 6 and 7. “The basic results did not identify any levels of concern or air problems,” he said.

Air samples from the third set of tests were also placed in canisters and sent to a laboratory for additional testing, he said. The EPA is awaiting those results and will share them with the state Department of Environmental Protection (DEP), the school and the Monongalia County Board of Education, Seneca said.

He did not know when those results might be ready.

The DEP asked the EPA to perform the tests in response to citizen concerns expressed at public meetings and in writing. Residents were especially concerned about the schools surrounding the Morgantown Industrial Park operation and students’ potential exposure to hazardous airborne pollutants.

WV/PA Monongahela Area Watersheds Compact co-chair Barry Pally was among those instrumental in persuading the DEP to request the testing, and was pleased both agencies responded.

He said the results have their limitations, stemming from wind direction and precipitation.

“What we can say is under those conditions during that particular time, that’s what they measured,” he said. “We’re pleased there were no exposures in the school at those times.”

Tests under different wind and weather conditions might yield different results, he said. He would like to see continuous monitoring established at the well pad, so the community could be alerted to possible

hazards.

Northeast President Michael John responded simply, "We are not surprised by the good results."

The Legislature's Joint Select Committee on Marcellus Shale has included air quality in its list of issues covered in its draft regulatory bill. A bill amendment calls for air quality issues to be regulated, and when appropriate, permitted by the DEP's Office of Air Quality.

The amendment also calls for the DEP to take the cumulative effects of all operations associated with a particular well into account as part of an air quality permit or other regulation.

Another amendment calls for the DEP secretary to "report to the Legislature on the need for further regulation of air pollution occurring from well sites, including the possible health impacts, the need for air quality inspections during drilling, the need for inspections of compressors, pits and impoundments, and any other potential air quality impacts that could be generated from this type of drilling activity and are potentially harmful to human health or the environment."

The report would be complete by July 1, 2012, and any needed permitting conditions would be formulated in new legislative rules.

MORGANTOWN CITY COUNCIL

Council will discuss fracking ban at Oct. 25 meeting

No decision yet on rescinding drilling law

*BY TRACY EDDY
The Dominion Post*

Morgantown City Council could discuss the fracking ban — which was intended to prohibit fracking in the city and up to a mile outside its borders — later this month.

During its Tuesday meeting, council agreed to put the issue on the agenda for the Oct. 25 Committee of the Whole meeting. No official action is taken at those meetings.

Mayor Jim Manilla requested the addition, saying council also needs to look at how the city's current zoning laws address drilling, and whether it should make any changes to those.

Manilla added that the Committee of the Whole meeting would be an opportunity for council to discuss if it would want to rescind the law.

City Council passed the horizontal drilling and fracking law in response to concerns about the two Marcellus wells in the Morgantown Industrial Park.

Monongalia County Circuit Court Judge Susan Tucker overturned the law in August.

Council has yet to make a decision on whether to appeal the ruling or rescind the law.

Councilman Bill Byrne said he was against rescinding the ban. He said the city should focus on moving forward and seeing what else it can do to address concerns about fracking.

"I don't think there's much value in rescinding it, if it's already overturned," he said.

City Attorney Steve Fanok said the city does have some invalid laws on its books. One example is a city law prohibiting the use of engine brakes and compression brakes, even though only the state Division of Highways can restrict brake use on state routes, such as W.Va. 7.

Also at Tuesday's meeting, City Manager Terrence Moore said he could announce a schedule for public hearings on a countywide smoking ban Friday.

The Monongalia County Board of Health (BOH) is currently considering a countywide smoking ban. At last month's BOH meeting, board members said they wanted to hold two public hearings on the proposed ban — one in the morning and one in the evening.

Moore said BOH member Donna Tennant asked him to help with scheduling the hearings earlier this week.

Charleston Gazette Tuesday 18 October 2011, Readers Forum:

October 17, 2011

Letters: Oct. 18, 2011

Universities want 'goodies,' not solid research

Editor:

CHARLESTON, W.Va. -- Ken Ward's article "WVU tries to distance itself from its faculty's research" is endlessly amusing. Here we have faculty creating new knowledge by the most objective method known, science, including peer review. The university shouldn't have a "position."

Corporations have positions, growing out of their effort to produce something useful and make money for their stockholders. Or perhaps it is the other way around? Corporations, the people and firms they hire take direction from the hierarchy without regard for anything outside their primary goal, except what is forced on them by external constraint. They "keep their eye on the ball" as they say in sports.

Anyway, a university doesn't have a "position" about faculty research other than whether it is factual, as determined by the discipline in which the faculty member works.

The real problem here is the university wants the "goodies" corporations can provide: buildings, equipment, money, connections. The reason the university can be made to squirm when the faculty discovers truths uncomfortable to a corporation is they don't want to lose the "goodies." This withdrawal is broadly implied when a corporation complains about research. Whether John Bolt received complaints is not mentioned in the article, but for anyone familiar with universities it comes through, loud and clear.

It is another example of the 99 percent being impaled on the interests of the 1 percent. An example of why so many people see our society increasingly being run by power interests rather than objective, universal truth. It is why faculty associations, like the American Association of University Professors are so important. Faculty members have been fired for telling an inconvenient truth.

To round out the picture, a law firm may be counted on to support the corporation that hired it with great sophistication and devotion, second only, perhaps, to a hired gun. The greatest ha-ha of all is "an industry law firm alleged that any increased birth defect rate in Appalachia could be related to inbreeding among the region's residents." Pulling out this ancient canard appears to be the best they can do. One could hardly find a better support for Michael Hendryx's research; it has been reviewed by the opposition and this is all they can do.

S. Thomas Bond

Jane Lew

Letter to editor Pittsburgh Post Gazette:

Letters to the editor
Tuesday, October 18, 2011

Corbett should be commended for his fee plan

Regarding an impact fee for Marcellus Shale drilling and the PG's Oct. 5 editorial (["Uniformity Pause: Corbett Punts the Drilling Fees to County Officials"](#)): Despite what the Post-Gazette editorial board favors -- a centralized and costly bureaucracy spreading dollars throughout the state instead of local control over an impact fee -- competition between counties is not a new or unworthy concept. Counties have always competed to attract investment, often at the great benefit of local economies, and the natural gas industry shouldn't be treated differently.

Under Gov. Tom Corbett's plan, each county can choose the size of the impact fee or whether to impose one at all. The local impact fee option would allow counties to cover actual local costs, rather than create a cash cow for pet projects all over the state.

Indeed, while suggesting some counties will keep the fee low to encourage investment, the editorial board seems to overlook why low fees would also be good policy for the state. Competition will discourage excessive fees, and gas companies won't be the only ones that benefit. Fair fees will keep drilling rigs in the state, which benefits all residents.

Last year, Marcellus gas production saved every Pennsylvania family of four about \$200 in energy costs, while generating wealth for the commonwealth through every applicable tax, including corporate taxes.

The natural gas boom has created tens of thousands of jobs. Gov. Corbett's fee proposal should be commended for relying on facts instead of anti-fracking hysteria.

JOHN BOUDER
Research Fellow
Commonwealth Foundation
Harrisburg

South Fayette manager resigns
Tuesday, October 18, 2011
By Andrea Iglar

Mike Hoy, the South Fayette manager for nearly 11 years, announced Monday night that he is resigning from the township and taking a job at MarkWest, the natural gas processing firm.

Commissioners Tom Sray, Sue Caffrey, Cindy Cox and Deron Gabriel voted 4-0 to accept his resignation. Greg Curl was absent.

Mr. Hoy's last day of work will be Nov. 11 -- a few days after Election Day, when at least three new faces will be voted onto the five-member board of commissioners.

"It would make the most sense to step aside and allow the community to hire a new township manager that will proscribe to the needs and direction of the newly elected leadership," he wrote in his resignation letter.

The departure comes amid the township's battle over Marcellus Shale development and the legal challenge by gas firm Range Resources of the municipality's natural gas drilling regulations. MarkWest is a strategic partner with Range Resources.

Andrea Iglar, freelance writer: suburbanliving@post-gazette.com.
First published on October 18, 2011 at 5:33 am

Charleston Gazette Wednesday 19 October 2011:

Getting the right information on Marcellus Shale

October 18, 2011 by Ken Ward Jr.

West Virginia's political leadership and much of the media continue their push to show how great Marcellus Shale drilling is going to be for our state, and to dispel any notion that the state's tax structure and regulatory requirements are not tough enough on the industry.

Take [today's top story in the Charleston Daily Mail](#), in which statehouse reporter Ry Rivard writes:

West Virginia appears to place a higher tax burden on natural gas operators than five surrounding states, according to [a recent study by the Marshall University Center for Business and Economic Research](#).

A team led by professor Calvin Kent compared West Virginia to 18 other states, including Kentucky, Maryland, Ohio, Pennsylvania and Virginia.

“West Virginia places more taxes and fees on natural gas production than most of the other states which were studied,” Kent and his team concluded. That includes Pennsylvania, which is in direct competition with West Virginia for drilling activity.

Before we're too tough on our buddy Ry, though, let's not forget that the Gazette's statehouse reporter, Phil Kabler, took this Marshall spin without question, [writing last week](#):

A report by the Marshall Center for Business and Economic Research found that West Virginia's taxes and fees imposed on natural gas production are comparable overall with other natural gas producing states, but noticeably higher than surrounding states.

West Virginia's severance tax, 5 percent of gross value, is higher than neighboring states, including the states of Pennsylvania and Maryland, which have no severance tax on natural gas.

“You've got a huge advantage in Pennsylvania right now, because natural gas is being exploited out of that state with very minimal taxation,” Marshall professor Cal Kent told an interim committee on Finance.

The report said it is impossible to determine what impact the tax rates will have on development of Marcellus Shale drilling in the state, since taxation is only one of many factors that determine where companies will locate.

Now, this Marshall University report is certainly [being promoted by industry groups and their supporters](#). But if anybody had bothered to dig a little deeper, they might have found [this preliminary analysis by the West Virginia Center for Budget and Policy](#), which explains that simply comparing the basic tax rate isn't enough — it doesn't show the full picture. To do that, as the center explains, you have to look at “effective rates” of taxation:

However, effective rates are often lower than statutory rates. The effective rate is the end result after you adjust for deductions, limits and credits.

As [we've written before over on the Gazette's Coal Tattoo blog](#), that sort of review paints quite a different picture, showing that West Virginia's severance tax (for all mining – industries, including coal and natural gas):

Using this method, West Virginia has an effective severance tax rate of 3.2%, well below the average of 5.2% for the top ten states. Alaska had the highest effective rate at 11.2%. Of the ten state's most reliant on the severance tax, West Virginia ranked 7th for effective rate. West Virginia also had a lower effective rate than neighboring energy producer Kentucky, and a lower rate than the western states whose production is growing more competitive with West Virginia every year.

Sean O'Leary, a policy analyst at the center, also explained:

Studies of severance taxes in other states have shown tax rates have little effect on production.

Studies in Wyoming¹ and Utah² have found that even significant changes in in severance tax rates had little impact on industry production, but had a large impact on government revenues.

There is also little evidence of different effective rates leading to more or less investment from state to state.

The coal, oil, and gas industries are guided by the location of reserves, access to markets, and technology and are less able to relocate than industries with mobile capital resources.

Sean posted a new response to the Marshall study and its media coverage on the center's blog [here](#). He explained:

In the final analysis, the Marshall study doesn't show that West Virginia's tax burden is higher than other states, nor does it show that a high tax burden significantly influences the industry when deciding where to produce. Focusing too much on tax policy distracts from other important issues that need our attention. We need to focus more on how the state can mitigate environmental impacts, boost employment of in-state residents, and how we can be better positioned once the energy boom ends and the resources are depleted.

But this isn't the sort of analysis that helps the industry and political leaders make their case ... and perhaps that's part of the problem, as Bucknell University professor Thomas C. Kinnaman explained in a recent article examining several recent studies that examined the potential economic impacts of the Marcellus Shale. Kinnaman's article — unlike the Marshall tax study or [a recent West Virginia University study promoting the Marcellus Shale drilling](#) — appeared in a peer-reviewed journal, [Ecological Economics](#). It concluded:

Recent advances in drilling technology have allowed for the profitable extraction of natural gas from deep underground shale rock formations. Several reports sponsored by the gas industry have estimated the economic effects of the shale gas extraction on incomes, employment, and tax revenues. None of these reports has been published in an economics journal and therefore have not been subjected to the peer review process. Yet these reports may be influential to the formation of public policy. This commentary provides written reviews of several studies purporting to estimate the economic impact of gas extraction from shale beds. Due to questionable assumptions, the economic impacts estimated in these reports are very likely overstated.

Kinnaman is [on the agenda for next week's WVU College of Law program](#) on natural gas drilling, and it should be interesting ... he's on a panel with Tom Witt, co-author of the WVU study promoting the Marcellus Shale industry. Stay tuned ...

This entry was posted on Tuesday, October 18, 2011 at 4:54 pm

THE STATE JOURNAL:

New DEP Hearing Format Disgruntles Commenters

Posted Tuesday, October 18, 2011 ; 05:18 PM
Updated Tuesday, October 18, 2011; 05:37 PM

Agency's less public hearing style an unwelcome surprise for some.

By Pam Kasey

A Department of Environmental Protection experiment in public meeting formats has is making some people unhappy.

"I object to this format," said West Virginia Sierra Club Chairman Jim Sconyers at a DEP "informal conference" on Oct. 17 in Granville.

Sconyers' thoughts echoed those of others who had attended to comment on two mining permits.

Many wanted to hear the comments of the others and to be heard, as has been the typical open format of a public meeting in the past.

The way DEP had set it up, though, agency representatives were available to answer questions at one end of the room while, at the other, commenters spoke at a table in a corner, facing the wall, into a tape recorder.

After a few at the Oct. 17 meeting had taken their turns, commenters decided together to face the group.

But it's not the first group to face that format and it probably won't be the last.

The agency first tried it earlier this year in Raleigh County, according to DEP spokesman Tom Aluise.

At meetings with an information session followed by a public comment session, "sometimes there was a lot of grandstanding, people getting off topic," Aluise said. "It was getting hard to control, and the DEP folks at the Oak Hill office felt that some people that had legitimate concerns about permits felt intimidated and were reluctant to get up and speak."

They decided to do keep the informational aspect but to make it more comfortable for people who felt intimidated by the sometimes-raucous public aspect by collecting comments quietly, into a tape recorder.

Aluise guessed that agency offices have run meetings in this way five or six times.

“Some people don’t like it, some people do like it,” he said.

“There’s really no perfect way to do it,” he said. “We’re trying to tinker with the process.”

It's not a new agency policy, according to Aluise -- a DEP representative who runs a hearing might set it up either way.

State law does not require DEP to provide a public forum for comments. The informal conference mandated in certain situations by the Surface Mining Control and Reclamation Act requires only that the agency take written and oral comments and keep a record.

Anyone can get a copy of the comments made at such a hearing, Aluise said. At the hearing, they can ask to have a CD mailed to them. Or afterward, they can contact DEP and make a request. The agency office that runs the meeting is the office to contact, he said.

EPA: Air Quality Fine During Fracturing at Morgantown Gas Well

Posted Tuesday, October 18, 2011 ; 03:22 PM
Updated Tuesday, October 18, 2011; 04:06 PM

Agency conducted sampling before and during hydraulic fracturing.

By Pam Kasey

MORGANTOWN -- Air quality monitoring during hydraulic fracturing at the Marcellus shale gas well site outside Morgantown did not find problems, according to the U.S. Environmental Protection Agency.

“Preliminarily, it looks like there’s no levels of concern,” said Raj Sharma, on-scene coordinator for the Emergency Response Division at EPA Region III in Philadelphia.

The West Virginia Department of Environmental Protection asked EPA to monitor air quality at Skyview Elementary School in Westover, located on a hill above the Northeast Natural Energy wellpad, because local residents were concerned that the operation might affect school children.

The agency conducted monitoring three times: on Aug. 11-12 and on Sept. 19-20, both as baseline tests before before hydraulic fracturing, or fracking, began, and on Oct. 7-8, during hydraulic fracturing.

It collected real-time data on hydrogen sulfide and general volatile organic compounds.

It also collected samples for laboratory analysis each time using SUMMA canisters, steel tanks that are under vacuum and have regulators set to draw in air slowly over a 24-hour period. Those samples are being tested for volatile organic compounds, sulfide compounds and aldehydes.

Preliminary results show no concerns but still have to be validated, Sharma said.

The agency will share its results with the toxicologists at the Agency for Toxic Substances and Disease Registry to verify its assessment, and then with the WVDEP.

WVDEP has not asked EPA to conduct further sampling and Sharma’s inspection of the site does not suggest to him that further sampling is called for.

“At other fracking operations there are other potential sources,” he said.

“Some have open impoundments, while this one is containerizing it and recycling it or sending it to Ohio for deep well injection,” he explained. “Some have compressor stations, but in this case it’s a low-pressure line where they’re able to send in the gas without raising it to a certain pressure. So those additional sources of emissions are not there.”

The EPA sampling was conducted at DEP’s request; normally, Sharma said, his team would only conduct sampling in the event of an emergency.

Group Seeking County Support

October 19, 2011

By J.W. JOHNSON JR. - Staff Writer , The Intelligencer / Wheeling News-Register

Members of the Marshall County Citizens for Better Government said Tuesday they need help in spurring changes throughout the area and asked the Marshall County Commission to help.

During a regular meeting of the commission, group members Amanda Toland, Bruce Whipkey and John Toth voiced a number of concerns to Commissioners Jason "Jake" Padlow, Don Mason and Brian Schambach. Most notably, however, they discussed the condition of roads in rural areas of the county, which Toland said has gotten worse. She said despite some work being done by Marcellus Shale drilling companies over the past few weeks, she anticipates their condition will deteriorate over the winter months.

Schambach said the roads he recently toured with Trans Energy officials did look better than they did on previous tours, and that he and other commissioners make calls almost daily to drilling companies to encourage them to fix roads they have been using.

However, Toth said roads not being used by gas industry trucks are the ones that provide the most issues. He said while he understands the commission works hard to get companies involved, the West Virginia Division of Highways has not kept up with routine maintenance and repairs.

"We can see you applying pressure to the gas industry, but nobody is helping us put pressure on the DOH for the rest of the roads," he said, citing Pine Hill and Caldwell Hill as areas of the county that have deteriorated over the past several years from lack of attention.

Additionally, Toth said the gas companies have let the DOH off the hook for failing to repair main roads in the county.

"Some of these roads would have never been dealt with if we were waiting for the state to do it," he said.

Though the commission has no authority over roads and upkeep in the county, Padlow said he and his fellow commissioners spend much of their time working with state delegates and other officials to make road concerns known. He said while putting pressure on legislators is helpful, only so much can be done.

"We can't make miracles happen," he said. "We need citizens like you to keep putting pressure on them, too."

Whipkey also voiced concern over the construction of a new public safety building behind the Marshall County Courthouse. He said he did not believe the building would solve any of the problems that law enforcement officers face, including lack of manpower and increasing auto repair bills.

"The building won't improve anything in the operations outside of that building," Whipkey said.

Mason said the building, which will be built next year and house the 911 call center, sheriff's department and emergency management office, will benefit the county by allowing for better workspace for those offices, as the existing building has major space limitations.

"This will really be a benefit for all public safety in the county," he said.

South Fayette manager cites natural gas fight as reason for leaving

By Debra Erdley
PITTSBURGH TRIBUNE-REVIEW
Wednesday, October 19, 2011

Longtime South Fayette Manager Mike Hoy hopes new leadership can heal the community, which is wracked with disputes about natural gas drilling.

Hoy, who announced his resignation on Monday after nearly 11 years with the township, said several factors made him realize it was time to leave. He'll stay on the job until Nov. 11. He wouldn't say where he might go to work, because he hasn't formally accepted a job offer.

"I had offers to move into the private sector and felt it would be a good time, knowing there will be some political change. ... Our community is fractured right now. I'd like to see it pulled back together, but I don't think it's going to happen," Hoy said.

The disputes that polarized the community at the southern border of Allegheny County center on an ordinance commissioners adopted last year as drilling rigs, seeking natural gas in the Marcellus shale deposit, began popping up.

The ordinance requires that each rig sit on a 10-acre parcel and restricts drilling at distances ranging from 300 to 2,500 feet from structures including homes, schools, gas stations, mobile home parks, day care centers, hospitals and nursing homes, as well as ponds and streams.

Texas-based Range Resources with offices in Cecil, one of the biggest drillers of the Marcellus shale, has asked the township's zoning hearing board to overturn the ordinance, calling it a de facto ban on drilling.

Tom Sray, commission chairman and the only commissioner guaranteed to return next year, said Hoy's resignation stunned him.

"I think Mike really brought South Fayette forward. He did a great job. ... I think he's concerned about the new commissioners coming in," Sray said.

Three of the five commissioners won't seek re-election on the Nov. 8 ballot, and a fourth has a challenger.

Commissioner Cindy Cox echoed Sray's praise for Hoy.

"He's been a very good employee. He's been very dedicated to the township and always put the township's need first," Cox said.

Sray, a member of the board for 18 years, said Hoy's concerns about divisions among people in the township are well-founded.

"I've lived here all of my life. I've never seen it like this before in South Fayette, and most of it is over the Marcellus shale," Sray said.

Debra Erdley can be reached at derdley@tribweb.com or 412-320-7996.

Drilling foes blocked from seeking donors at two shopping websites

By Joe Napsha
PITTSBURGH TRIBUNE-REVIEW
Wednesday, October 19, 2011

Two national retailers said they will not help a South Fayette community group raise money to fight natural gas drilling.

Minneapolis-based electronics and appliance seller Best Buy Co. Inc. barred the Friends of South Fayette from its online purchasing program in June. Finish Line, an Indianapolis-based seller of athletic shoes and gear, said it plans to do the same.

Such programs allow people to shop online and donate a portion of sales to groups such as Friends of South Fayette.

"We always retain the right to revoke affiliate status at any time to any site," Finish Line spokesman Alex Yovanovich said. "In the case of the Friends of South Fayette, because it is based on a political platform, this site would not have met our general guidelines."

A third-party company operates Finish Line's affiliate network, he said.

Best Buy's program also is not intended for groups involved in political issues, spokeswoman Sarah Anderson said.

On its website, the Friends of South Fayette says its mission is to "ensure human health and welfare and environmental protection from the Marcellus shale drilling industry." The group says it is seeking to ban drilling of gas wells in residential and conservation areas of the township.

Keith A. McDonough, a leader of the group, said the retailers are wrong about its intent.

"It is not political at all. It's bipartisan," said McDonough, chief financial officer for rue 21, a clothing retailer in Cranberry.

McDonough said he was not aware of objections from any of the 19 retailers with links on the organization's website. Representatives for other retailers, such as Amazon.com, Lugz footwear, Shoe Bacca and Toshiba, did not respond to requests for comment.

The group started its online fundraising last year, McDonough said.

Best Buy and Finish Line would not disclose how much money Friends of South Fayette received in commissions from the purchasing program. The Friends of South Fayette said commissions can range from 1 percent to 15 percent of a sale, depending on the retailer and the items purchased.

McDonough declined to say how much money the group raised but said it was not a substantial part of its revenue. The township could use the money for public relations purposes and legal costs it incurs to defend the municipality's zoning ordinance that sets a buffer against drilling.

Range Resources Corp., a Fort Worth, Texas-based natural gas driller with offices in Cecil, has challenged a zoning ordinance that South Fayette commissioners approved in November. It claims a nondrilling buffer and other requirements essentially bans drilling on the 4,000 acres it leases in South Fayette.

Range spokesman Matt Pitzarella said no community group has filed a lawsuit against the company over its drilling.

Joe Napsha can be reached at jnapsha@tribweb.com or 724-836-5252.

Gas company asks to resume drilling in Susquehanna County town

By Associated Press

Tuesday, October 18, 2011

ALLENTOWN — An energy company has asked to resume drilling in a northeastern Pennsylvania town where 18 residential water wells were polluted with methane gas and possibly other contaminants.

Cabot Oil & Gas Corp. asked the Pennsylvania Department of Environmental Protection to allow it to resume operations in Dimock, Susquehanna County. Cabot's letter to DEP says the Houston-based company believes it's in compliance with the terms of a December 2010 settlement agreement with state regulators.

Cabot has been banned from drilling in a 9-square-mile of Dimock since April 2010. State regulators have said Cabot drilled faulty wells that leaked methane in the community's aquifer. The company has denied responsibility.

Cabot asserts the water is clean and says it wants to stop delivering temporary water to affected residents.

Associated Press can be reached at or .

The Tower at PNC Plaza to tap into Pittsburgh's geothermal 'river'

By Thomas Olson
PITTSBURGH TRIBUNE-REVIEW
Wednesday, October 19, 2011

When PNC Financial Services Group breaks ground in April on its 40-story headquarters tower Downtown, it will tap into "the fourth river" to cool and heat it.

An aquifer that runs deep underneath Downtown will supply The Tower at PNC Plaza with water year-round for a state-of-the-art geothermal system. Aside from being environmentally friendly, the system will make the building more energy-efficient, said the bank's director of development.

"We're working on our (building) systems right now, so we can't identify the dollar savings," John Robinson said. "But we think we could heat and cool 35 percent to 75 percent of the building."

The geothermal system is one of the key features that should help PNC achieve LEED Platinum certification as an ecofriendly building. LEED stands for Leadership in Energy and Environmental Design, a rating of a building's energy efficiency developed by the U.S. Green Building Council in Washington. Platinum is the highest level.

"We put (geothermal) on the table early because we wanted to find ways to reduce our energy profile on the building as much possible," said Robinson.

"This is a proven technology that been going on for at least 50 years," he said. "Fifty years ago, there were a lot of buildings Downtown that used geothermal."

Robinson said it's too early in the design process to estimate the cost or savings involved in the geothermal project.

At least four other Downtown buildings employ a geothermal system for cooling and/or heating.

"It works beautifully in the Century Building," said William Gatti, president of Trek Development Group, Downtown. The firm remodeled the building on Seventh Street, constructed in 1907, to include geothermal in 2009.

"We use this 58-degree water 365 day a year to cool the building in the summer and warm it in the winter," Gatti said. "We estimate about 30 percent of our heating and cooling load is from geothermal."

The aquifer runs at a depth of between roughly 30 and 60 feet under Downtown, then flows into both the Allegheny and Monongahela rivers. The water in the aquifer remains at a constant 55 to 60 degree Fahrenheit year-round, which makes it suitable for cooling in summer and heating in winter.

Geothermal systems use a heat exchanger to draw the aquifer water's cooler-than-outside temperatures from the water in summer, and its warmer-than-outside temperatures in winter.

PNC is most likely to drill four holes 16 inches in diameter to tap into the aquifer, said Javaid Alvi, president of Geo-Mechanics Inc., the geotechnical engineering services company PNC employed to conduct test drilling, both for the skyscraper's foundation and for geothermal system.

Geo-Mechanics' test drilling two weeks ago found one hole could draw water at about 600 gallons a minute, Alvi said. So, four holes would be more than enough to deliver the 2,000 gallons a minute that PNC's system would require, he said.

"The business district is blessed that the underlying soils are glacial deposits," Alvi said. "Those deposits are very porous, so there's lots of capacity from the aquifer."

When completed in 2015, the PNC tower will rank among Downtown's six tallest buildings. It will provide about 800,000 square feet of office space for 3,000 employees.

At least two other plans for constructing buildings near Downtown will incorporate geothermal energy.

Phipps Conservatory and Botanical Gardens' Center for Sustainable Landscapes will include a geothermal system when it's built next spring, said Christopher Minnerly, the principal in charge of the project. Phipps plans to drill 14 holes at the Oakland site to a depth of 500 feet.

The former Connelley Technical Institute, located in the Lower Hill District, will include a geothermal system when it's renovated into a "green technology" training center.

Thomas Olson can be reached at tolson@tribweb.com or 412-320-7854.

EQT official says Friday's fire result of pipe erosion

10/19/2011 3:32 AM

By Christie Campbell, Staff writer

chriscam@observer-reporter.com

Pipe erosion is believed to have been responsible for Friday's fire at an EQT Corp. gas well site on Castile Ridge Road.

Karla Olsen, EQT's manager of public relations, said a piece of sand wore away at the pipe, causing natural gas to leak. Nearby production heaters then ignited the fuel at 3:20 p.m.

The fire was noticed by a nearby lease owner who called 911.

Olsen said about 20 minutes after the fire started, EQT employees shut off the source of the gas. Firefighters from Marianna and Jefferson also were called to the scene. The well site is on the boundary of West Bethlehem Township, Washington County, and Jefferson Township, Greene County.

The state Department of Environmental Protection was notified of the fire at 5 p.m.

DEP spokeswoman Lisa Kasianowitz said a gas production unit near the collection tanks failed. Because the GPU is new, it will be sent back to the manufacturer for testing.

She said the fracturing process is sand-intensive and creates wear on equipment.

"If the sand is not cleaned out fully, it can cause a hole in the GPU," she said, although she was quick to note this may not be the reason this particular unit failed.

The gas well had been drilled and hydraulic fractured and was producing natural gas. Olsen said as the company fractured the well, some of the sand had risen in the pipe and worn a hole in the production equipment.

An inspector from DEP was at the site Monday, according to Kasianowitz. The DEP does not plan any further investigation.

Olsen said there were multiple wells at the site, and all were shut down without incident. The site is producing natural gas again.

Copyright Observer Publishing Co.

EDITORIAL:

Pick your poison: jobs or clean air

10/19/2011 3:34 AM

Our readers were treated to some good news and some bad news on the environmental front last week.

The good news came in the report that mercury levels have dropped about 20 percent in the Great Lakes in recent decades, although they remain dangerously high and are getting worse in some places.

Mercury pollution in the Great Lakes began rising in the mid-1800s as a result of burning coal, incinerating waste, mining and metal smelting. Levels peaked in the 1980s before dropping as pollution controls took effect. The Great Lakes Commission report cited a 60 percent decline in emissions from 1990 to 2005. Humans with high levels of mercury usually get them from eating contaminated fish. Mercury is highly toxic and can damage the nervous system, and fetuses exposed to it can develop brain damage, blindness and seizures.

But here's the bad news: Just a day before the report was issued, 25 states asked a federal court to block limits on mercury and other air pollution from power plants that the Environmental Protection Agency plans to start enforcing next month. And the U.S. House last week voted to delay rules to cut mercury emissions from cement plants, solid waste incinerators and industrial boilers. Both Tim Murphy, R-Upper St. Clair, and Mark Critz, D-Johnstown, voted for the delay.

While all this was going on, Texas Gov. Rick Perry visited a West Mifflin steel mill to propose, among other things, rolling back the EPA's Cross-State Air Pollution Rule, which addresses the problem of pollution drifting across state lines, which is set to take effect next year. PennEnvironment estimates that the new standards for reducing smog and soot from power plants inside and outside the state would save the lives of 2,911 Pennsylvanians every year.

Candidate Perry also promised a series of executive orders in his first days as president that would strip the Environmental Protection Agency of its regulatory power over greenhouse gases and air-quality standards for power plants. This is just short of what fellow Republican candidate Michele Bachmann suggested a month ago: abolishing the EPA altogether.

The impetus behind this pro-pollution movement is that making industry adhere to regulations will cost jobs and increase electric bills. "Regulation" has become a dirty word in the current political climate, as if standards for clean air and water are the only things obstructing America's path to prosperity.

We have made remarkable progress in this country over the past 30 years in cleaning up our rivers and lakes and improving the quality of the air we breathe. However, as our population continues to grow, and as the number of vehicles on our roads increases and our need for energy expands, we must not just keep our environmental standards but rather strengthen them if we hope to maintain some semblance of the quality of life we now enjoy.

Removing regulations would be disastrous. Certainly, factories might be able to hire more workers if they could simply dump cyanide and arsenic into the river instead of adhering to "regulations" and disposing of them properly, but is that the kind of sacrifice we want to make for jobs?

Are respiratory diseases and mercury poisoning a better option than higher utility bills?

We need to find the right balance. Meeting our energy needs and jobs are important, but these are not our only considerations.

Copyright Observer Publishing Co.

----- Original Message -----

From: [Rose Baker](#)

To: **Sent:** Tuesday, October 18, 2011 11:56 PM

Subject: Fracking Meeting Shares Concerns

Video and news story from Marietta, Oh, where Bonnie and I did a presentation on Marcellus in Wetzel. Ohio has no regulations in place to protect the people and they are already drilling. Sound familiar. This is the second one we have done in Oh. and many more are planned. .
Rose

http://www.wtap.com/home/headlines/Fracking_Meeting_Shares_Concerns_132115003.html